

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

GUSTAVO RIOS, SR., )  
                        )  
Petitioner,         )  
                        )  
vs.                   ) CIVIL ACTION NO. 04-VEH-RRA-2314-E  
                        )  
WARDEN MARTHA L. JORDAN, )  
                        )  
Respondent.         )

**MEMORANDUM OPINION**

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed. An appropriate order will be entered.

DONE, this 3rd day of March, 2005.

  

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**VIRGINIA EMERSON HOPKINS**  
United States District Judge

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Respondent.         )

**ORDER OF DISMISSAL**

In accord with the Memorandum Opinion entered contemporaneously herewith, it is hereby ORDERED that this petition for writ of habeas corpus is DISMISSED.

Costs are taxed to petitioner.

DONE, this   day of ,2005.